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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/786,439

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EXAMINER

ONUAKU, CHRISTOPHER O

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/786,439

**Applicant(s)**

KEESEN ET AL.

**Examiner**

Christopher O. Onuaku

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/3/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### **Abstract**

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract contains more than one paragraph.. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-3&7-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the

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invention. Independent claim 1 cites the limitation "... **which network again internally adds network timestamps to data packets of said bitstream** in order to reduce by evaluating these network timestamps said network jitter when outputting said data packets from said network.". This limitation is not disclosed in applicant's specification.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 4&5 are rejected under 35 U.S.C. 102(e) as being anticipated by Blatter et al (US 6,236,694).

Regarding claim 4, Blatter et al disclose a bus interface system/apparatus for coupling audio, video and data processing systems, including coupling digital signals for digital recording and reproduction, comprising a network interface (see Fig.3A&5 and AVD bus 500) through which said MPEG bitstream data packets are input to said stream recorder (see recording apparatus of Fig.3A&5) for recording, and through which said MPEG bitstreams data packets replayed from said stream recorder pass again, which network causes network jitter and which network internally adds network timestamps to data packets of said bitstream in order to reduce by evaluating said

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network timestamps said network jitter when outputting said data packets from the network, and stream recording means which record timestamps from said network together with said MPEG bitstream data packets, or which replay said MPEG bitstream data packets, wherein when replaying data of said MPEG bitstream data packets said recorded network timestamps are used to assign to the replayed MPEG bitstream data packets the correct temporal position as it was upon recording (see col.3, line 36 to col.4, line 67; and col.7, line 39 to col.9, line 3).

Regarding claim 5, Blatter et al discloses wherein said network temporally compresses the input data packets (see col.9, lines 45-58).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter et al in view of Hulyalker (US 6,032,261).

Regarding claim 6, Blatter et al fail to explicitly disclose wherein the network is an IEEE 1394 connection. Hulyalker teaches a method and apparatus for distributing a cycle clock to a plurality of serial bus nodes (bridge portals) of a plurality of IEEE 1394 serial local buses, wherein within a local IEEE 1394 serial bus, it is necessary that a

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common cycle clock be distributed to all nodes on that bus. The primary reason for this synchronization requirement is to enable timestamping of real-time data at the source, whereby this timestamp can be used to significantly reduce the timing jitter which arises due to the fact that the network is not always available for transmission (because it is shared). (see col.2, lines 25-50; col.4, lines 40-51 and col.6, lines 43-54).

It would have been obvious to replace the AVD bus 500 of Blatter et al with IEEE 1394 network, since IEEE 1394 network jitter can be reduced by timestamping the IEEE 1394 network, and to enjoy the desirable benefits of the isochronous and asynchronous format of an IEEE 1394 network.

9. Claims 10&11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter et al in view of Cloutier et al (US 5,805,602).

Regarding claim 10, Blatter et al fail to explicitly disclose wherein any scrambling of said input data packets is kept unchanged. Cloutier et al teach network monitoring devices used to monitor timing errors created during transport of digital information through packet switched network such as Asynchronous Transfer Mode (ATM) technology wherein timestamps are added in MPEG data packets to reduce jitter and wherein the packet includes a header section which includes a 2-bit scrambling control (SC) (see Fig.3&4; scrambling control 150d; col.15, lines 26-67), here the examiner reads the scrambling control means as a means to keep any scrambling of data packets unchanged.

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It, therefore, would have been obvious to modify Blatter et al by adding scrambling control means in the data packets of Blatter et al, as taught by Cloutier et al, in order, for example, to keep the scrambling of data packets of Blatter et al unchanged.

Regarding claim 11, the claimed limitations of claim 11 are accommodated in the discussions of claim 10 above.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter et al in view of Hulyalter and further in view of Cloutier et al .

Regarding claim 12, the claimed limitations of claim 12 are accommodated in the discussions of claim 10 above.

Note that as discussed above, Cloutier et al teach monitoring timing errors created during transport of digital information through packet network such as Asynchronous Transfer Mode (ATM). It is well known that the IEEE 1394 Standard interface is highly compatible with technologies like asynchronous transfer mode (ATM) which also operates in an isochronous mode (see Baker et al ; US 5,983,301, col.1, lines 40-55).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Baker et al (US 5,983,301) teach an improved interface device

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for communicating packetized data, including a method for assigning direct memory access priority within a platform-specific interface device such as one conforming to IEEE 1394 Standard.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher O. Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
COO  
2/4/05

  
ROBERT CHEVALIER  
PRIMARY EXAMINER